UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,760	06/29/2001	Ravi Chandar	10008058-1	6926

7590 10/20/2004	EXAMINER
HEWLETT-PACKARD COMPANY	WINTER, JOHN M

Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.</td><td>Applicant(s)</td></tr>
<tr><td>09/895,760</td><td>CHANDAR ET AL.</td></tr>
<tr><td></td><td>Examiner</td><td>Art Unit</td></tr>
<tr><td></td><td>John M Winter</td><td>3621</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 August 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11,13-15 and 17-20_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _13-15_ is/are allowed.

6)☒ Claim(s) _1-11 and 17-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claims 12 and 16 have been canceled
Claims 1-11,13-15 and 17-20 remain pending.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
MONTHS of the mailing date of this final action and the advisory action is not mailed until after
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
however, will the statutory period for reply expire later than SIX MONTHS from the mailing
date of this final action.

Response to Arguments

The Applicants arguments filed on August 5, 2004 have been fully considered but are not
persuasive.

As per Claims 1, 11, 18, 19 and 20,

The Applicant states that the previously disclosed references of Weidemer, (US Patent
No 5,155,680) in view of Eggers et al. (US Patent No 4,920,432) fails to disclose the amended
feature of permitting access only after payment authorization has been obtained for the user from
a financial instrument reader.

The Examiner states that the Weidemer reference discloses referencing an external billing
module (i.e. financial instrument reader) to determine if there is sufficient billing authorization,
and if not halting the process of loading a program (i.e. permitting access only after payment
authorization has been obtained). Therefore the Weidemer reference meets all of the amended
limitations of claim 1, 11, 18, 19 and 20.

See following rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness
rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
art are such that the subject matter as a whole would have been obvious at the time the invention was made
to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

Claims 1- 11, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weidemer, (US Patent No 5,155,680) in view of Eggers et al. (US Patent No 4,920,432).

As per claim 1,

Weidemer, ('680) discloses a method of public access computing comprising:

permitting a user access to at least one of a software application (Column 6, lines 23-25) and an input/output device (Figure 1) of the computer system only after payment authorization has been obtained for the user.(Column 5, lines 60-65) from a financial instrument reader (Figure 2)

Weidemer, ('680) does not explicitly disclose providing a computer system. Eggers et al. (US Patent No 4,920,432) discloses providing a computer system (Figure 1) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Weidemer method with the Eggers et al. in order to allow the usage of software on a computer.

As per claim 2,

Weidemer, ('680) discloses the method of claim 1 wherein the using step further comprises:

preventing access to the software applications until payment authorization for a user is received through an electronic payment mechanism.(Column 5, lines 60-65)

Weidemer, ('680) does not explicitly disclose displaying a screen saver on a monitor of the computer system for preventing access to the software applications Eggers et al. (US Patent No 4,920,432) discloses displaying a screen saver on a monitor of the computer system for preventing access to the software applications. (Column 4, lines 64-66) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Weidemer method with the Eggers et al. in order to notify the user that the software is not free to use.

As per claim 3

Weidemer, ('680) discloses the method of claim 2 wherein the displaying step further comprises:

displaying information regarding prices for using the computer system;(Figure 3)

Official Notice is taken that "displaying icons representing the software applications available in the computer system; displaying demonstrations of the software applications." is common and well known in prior art in reference to pay per usage software. It would have been obvious to one having ordinary skill in the art at the time the invention was made to display icons representing the software applications available in the computer system and display demonstrations of the software applications in order to advertise to offered software to the consumer.

As per claim 4,

Weidemer, ('680) discloses the method of claim 1 wherein the permitting step further comprises:

Weidemer, ('680) does not explicitly disclose displaying a desktop user interface on a monitor of the computer system to permit access to the at least one software application and input/output devices. Eggers et al. (US Patent No 4,920,432) discloses displaying a desktop user

interface on a monitor of the computer system to permit access to the at least one software application and input/output devices. (Column 4, lines 61-66) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Weidemer method with the Eggers et al. in order to notify the user that the software is not free to use.

As per claim 5,
Weidemer, ('680) discloses the method of claim 4 wherein the displaying step further comprises:
providing activatable keyword functions for each software application and input/output device including at least one of a word processor function, spreadsheet function, presentation function, application service provider function, printer function, scanner function, copier function, facsimile function, and digital sender function.(Column 5, lines 31-37)

As per claim 6,
Weidemer, ('680) discloses the method of claim 1 and further comprising:
tracking use of the computer system for billing purposes including at least one of the following parameters: time of use of the computer system; time of use for each software application; time of use of each peripheral input/output device; quantity of job requests to each peripheral input/output device; and quantity of each item produced by each peripheral input/output device.(Column 6, lines 43-50)

As per claim 7,
Weidemer, ('680) discloses the method of claim 6
Official Notice is taken that "counting requests to peripheral input/output devices; and calculating the total cost to the user including time of use for the computer system and the number of input/output requests" is common and well known in prior art in reference to pay per usage software. It would have been obvious to one having ordinary skill in the art at the time the invention was made to count requests to peripheral input/output devices; and calculate the total cost to the user including time of use for the computer system and the number of input/output requests in order to allow the merchant to recoup the cost of operating the hardware

As per claim 8,
Weidemer, ('680) discloses the method of claim 1
Official Notice is taken that "obtaining authorization from a financial services database for electronically charging a user's credit card or bank-issued debit card" is common and well known in prior art in reference to pay per usage software. It would have been obvious to one having ordinary skill in the art at the time the invention was made to obtain authorization from a financial services database for electronically charging a user's credit card or bank-issued debit card in order to allow the merchant to recoup the cost of operating the hardware

As per claim 9,
Weidemer, ('680) discloses the method of claim 1 wherein the using step further comprises:

unlocking the computer system for use of the software application and the input/output device by displaying a desktop display upon a user receiving payment authorization through the electronic payment mechanism.(Column 5, lines 60-65)

Weidemer, ('680) does not explicitly disclose locking the computer system with a screen saver to prevent its use when no authorization for use of the computer system is present Eggers et al. (US Patent No 4,920,432) discloses locking the computer system with a screen saver to prevent its use when no authorization for use of the computer system is present. (Column 4, lines 64-66) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Weidemer method with the Eggers et al. in order to notify the user that the software is not free to use.

As per claim 10,

Weidemer, ('680) discloses the method of claim 1

Weidemer, ('680) does not explicitly disclose providing the input/output devices as at least one of a scanner, a printer, a facsimile machine, and a copier, each being configured for conveying input and output from the computer system. Eggers et al. (US Patent No 4,920,432) discloses providing the input/output devices as at least one of a scanner, a printer, a facsimile machine, and a copier, each being configured for conveying input and output from the computer system. (Column 5, lines 43-51) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Weidemer method with the Eggers et al. in order to allow flexibility in the configuration of the computer system.

As per claim 11,

Weidemer, ('680) discloses a method of selective public access computing comprising:

displaying a user interface on a display of the computer system including a representation of the at least one software application of the computer system while preventing access to the at least one software application;(Column 6, lines 23-25)

electronically reading a financial instrument (Figure 2)

obtaining electronic payment authorization for a financial instrument, permitting access to the at least one software application based on payment authorization;(Column 5, lines 60-65)

tracking use of the computer system including the software application and input/output devices of the computer system, charging the financial instrument with a fee based on the tracking step; and terminating access to the at least one software application upon notification from the user.(Column 6, lines 43-50)

Weidemer, ('680) does not explicitly disclose providing a computer system with at least one software application. Eggers et al. (US Patent No 4,920,432) discloses providing a computer system with at least one software application (Figure 1) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Weidemer method with the Eggers et al. in order to allow the usage of software on a computer.

As per claim 17,

Weidemer, ('680) discloses a computer access system comprising:

an electronic payment mechanism for obtaining electronic payment authorization for a financial instrument,(Column 5, lines 60-65)

a financial instrument reader (Figure 2)

Weidemer, ('680) does not explicitly disclose a controller in communication with the electronic payment mechanism Eggers et al. (US Patent No 4,920,432) discloses a controller in communication with the electronic payment mechanism (Figure 1) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Weidemer method with the Eggers et al. in order to allow the usage of software on a computer.

The terms "configured for connection to a computer system and for permitting selective access to the computer system based on payment authorization through the electronic payment mechanism; and configured for electronically reading financial instruments including credit cards and debit cards " are non-functional descriptive items. The term "configured for connection to a computer system and for permitting selective access to the computer system based on payment authorization through the electronic payment mechanism; and configured for electronically reading financial instruments including credit cards and debit cards" could be replaced with other terms. i.e. "permitting unrestricted access; reading smart cards" , etc and not change the limitations of the claim. PTO's guidelines for examining claimed language require: the examiner must make a determination, whether the claimed invention "as a whole" would have been obvious at the time of invention to one of ordinary skill in the art. See MPEP 2142. In the pending claim, the examiner submits that particular language does not serve as a limitation on the claim. In other **words language that is not functionally interrelated with useful acts, structure, or properties of the claimed invention will not serve as a limitation**. See in re Gulak, 217 USPQ 401 (CAFC 1983), *ex parte Carver*, 227 USPQ 465 (BdPatApp& Int 1985) and *in re Lowry*, 32 USPQ2d 1031 (CAFC 1994) where language provided certain limitations because of specific relationships required by the claims

As per claim 18,

Weidemer, ('680) discloses a selective access computer system comprises:

an electronic payment mechanism including a reader (figure 2) configured for obtaining electronic payment authorization for a user's financial instrument;(Column 5, lines 60-65) at least one input/output device;(Figure 1)

a resource tracker for determining a cost of using the computer system based on an amount of time of use and quantity of use of software applications and input/output devices; and a user interface configured for permitting access to at least one of the software application and the input/output devices only upon payment authorization through the electronic payment mechanism.(Column 5, lines 60-65)

Weidemer, ('680) does not explicitly disclose a computing workstation having at least one software application; Eggers et al. (US Patent No 4,920,432) discloses a computing workstation having at least one software application;(Figure 1) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Weidemer method with the Eggers et al. in order to allow the usage of software on a computer.

As per claim 19,

Weidemer, ('680) discloses a computer-readable medium having computer-executable instructions for performing a method of permitting selective computer system access, the method comprising:

permitting a user access to at least one of a software application (Column 6, lines 23-25) and an input/output device (Figure 1) of the computer system only after payment authorization has been obtained for the user.(Column 5, lines 60-65) via a financial instrument reader (Figure 2)

Weidemer, ('680) does not explicitly disclose providing a computer system. Eggers et al. (US Patent No 4,920,432) discloses providing a computer system (Figure 1) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Weidemer method with the Eggers et al. in order to allow the usage of software on a computer.

As per claim 20,
Weidemer, ('680) discloses a computer user interface comprising:

a desktop display configured for appearing on a monitor of a computer system when a user is financially authorized to use the computer system and configured to permit access to and operation of the computer system.(Column 5, lines 60-65) wherein authorization is obtained via a financial instrument reader (Figure 2)

Weidemer, ('680) does not explicitly disclose a screen saver display configured for appearing on a monitor of a computer system when a user is not financially authorized to use the computer system and configured for preventing use of the computer system. Eggers et al. (US Patent No 4,920,432) discloses a screen saver display configured for appearing on a monitor of a computer system when a user is not financially authorized to use the computer system and configured for preventing use of the computer system. (Column 4, lines 64-66) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Weidemer method with the Eggers et al. in order to notify the user that the software is not free to use.

Allowable Subject Matter

Claims 13-15 are allowed over the prior art record

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW
October 22, 2004
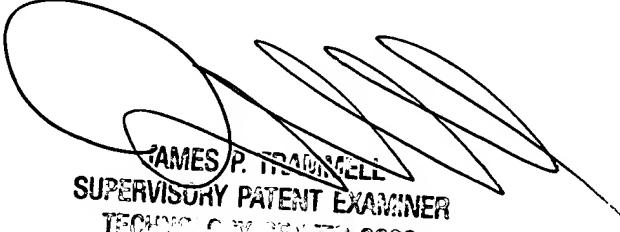
JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600